

Request for extension of time under 37 C.F.R. §1.136

Assignee herewith petitions the Director of the United States Patent and Trademark Office to extend the time for response to the Office Action dated October 3, 2002 for 3 month(s) from January 3, 2003 to April 3, 2003.

Please charge Deposit Account #02-2666 in the amount of:

_____	(\$110.00 for a one month extension)
_____	(\$400.00 for a two month extension)
<u> X </u>	(\$930.00 for a three month extension)
_____	(\$1,440.00 for a four month extension)

to cover the cost of the extension.

Remarks

Reexamination and reconsideration of this application, as amended, is requested. Claims 1-4 and 6-20 remain in the application and claims 1, 11 and 16 have been amended and claim 5 has been cancelled. No new claims have been added.

Support for Amendments

As indicated above, claims 1, 11, and 16 have been amended to include features recited in claim 5 as originally filed and at least shown in FIG. 2 and discussed in the related text of the specification.

Applicant respectfully submits that no new matter has been added.

Response to the 35 U.S.C. §102(b) Rejection

The Office Action rejects claims 1-5, 8, 11, 13, and 14 under 35 U.S.C. §102(b) as being anticipated by Razavi et al. (US 6,253,122). Applicants respectfully traverse this rejection in view of the remarks that follow.

As indicated above, claims 1 and 11 recite, among other things, that the requested music file is provided via a wireless communication from one automobile to another. Applicants respectfully point out that Razavi et al. do not teach or suggest transferring music files between automobiles. Accordingly, Applicants believe that claims 1 and 11, and the claims that depend from them, are allowable.

Response to the 35 U.S.C. §103(a) Rejection

The Office Action also rejects claims 6, 7, and 15 under 35 U.S.C. §103(a) as being unpatentable over Razavi et al. in view of Fanning (US 6,366,907). Applicants respectfully traverse this rejection.

It is well established that obviousness requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Without conceding the appropriateness of the combination, Applicant respectfully submits that the combination of Razavi et al. and Fanning. does not meet the requirements of an obvious rejection in that neither teaches nor suggests transferring music files between automobiles.

Since Razavi et al. and Fanning, taken separately, are devoid of any teaching or suggestion of at least some of the limitations recited in claims 1 and 11, the combination must necessarily be devoid of the required teaching or suggestion of all the elements recited in claims 1 and 11. Consequently, the combination cannot make Applicant's claims 6, 7, or 15 obvious.

Applicant would also like to respectfully point out that neither Tosaya nor Segal et al. teach this feature. Therefore, any combination of these documents cannot make Applicant's claims 1, 11 or 16, and their corresponding dependent claims, obvious.

PATENT APPLICATION

042390.P10397

Conclusion

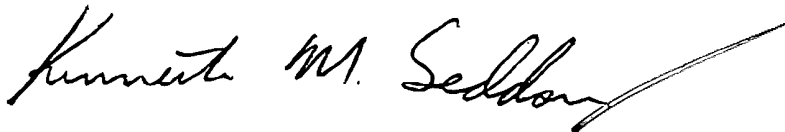
The foregoing is submitted as a full and complete response to the Office Action mailed October 3, 2002, and it is submitted that claims 1-4 and 6-20 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of claims 1-4 and 6-20 is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.6 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 554-9732 is respectfully solicited.

Respectfully submitted,

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